

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARIA E. TERRAZAS and
GERMAN GOMEZ-SALAS,

Defendants.

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8:12CR301

ORDER

This matter is before the court on the motion to continue by defendant Maria E. Terrazas (Terrazas) (Filing No. 49). Terrazas seeks a continuance of the trial of this matter which is scheduled for January 7, 2013. Terrazas' counsel represents that Terrazas will file an affidavit wherein Terrazas represents that she consents to the motion and acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act. While Terrazas may be participating in inpatient treatment, there is no need to have a lengthy continuance into March 2013. Continuing trial of this matter until February 19, 2013, should be adequate for counsel to prepare for trial. Upon consideration, the motion will be granted as set forth above.

IT IS ORDERED:

1. Terrazas' motion to continue trial (Filing No. 49) is granted to the extent set forth below.

2. Trial of this matter is re-scheduled for **February 19, 2013, as to all defendants** before Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **December 21, 2012, and February 19, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 21st day of December, 2012.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge